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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 09-01119 JW
14 Plaintiff,)
15 v.)
16 RUDIK AVAKYAN,)
17 Defendant.)
18 _____)

Revised

STIPULATION AND [PROPOSED] ORDER TO CONTINUE STATUS HEARING AND TO EXCLUDE TIME FROM SEPTEMBER 20, 2010, THROUGH SEPTEMBER 27, 2010, FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(7)(A),(B))

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20 On February 4, 2010, the parties appeared for an initial appearance and arraignment in the
21 above-cited case. Since that time, the government has provided extensive discovery to the
22 defendant, and made additional materials available to the defense in the discovery process. A
23 status hearing is set in this matter for September 20, 2010. The parties are seeking to continue
24 the September 20, 2010, hearing for defendant Rudik Avakyan to September 27, 2010, in order
25 to allow defense counsel the opportunity to complete his review of the materials made available
26 to him in the discovery process, and to reach a pre-trial resolution with the government of the
27 pending criminal matter. The parties have agreed to stipulate to an exclusion of time under the
28 Speedy Trial Act to allow counsel for defendant reasonable time for effective preparation.

The United States hereby submits this written request for an order finding that said time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

DATED: September 15, 2010

MELINDA HAAG
United States Attorney

/s/ _____
EUMI L. CHOI
Assistant United States Attorney

/s/
FRED MINASSIAN, ESQ.
Counsel for Defendant

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between September 20, 2010, through September 27, 2010, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: September 16, 2010



JAMES WARE
UNITED STATES DISTRICT COURT JUDGE